UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,955	09/11/2003	Daniel L. Krissell	RSW920030127US1	8398

7590 10/07/2005	EXAMINER
Gerald R. Woods	NAMAZI, MEHDI

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ART UNIT	PAPER NUMBER
2189	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)
		10/661,955	KRISSELL ET AL.
Office Action Summary		Examiner	Art Unit
		Mehdi Namazi	2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 September 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12 and 14-20</u> is/are rejected.

7)☒ Claim(s) <u>13</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>10/2/05</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to application filed September 11, 2003.

Specification

2.   The disclosure is objected to because of the following informality: the serial

number and patent number of related applications are still missing on page 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 9-12, and 16-20 are rejected under 35 U.S.C. 102(e) as being

anticipated by Challenger et al. US Patent 6,567,893.

The applied reference has a common Assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1 Challenger teaches a method of negotiated distribution of cache content, comprising:

Selecting candidate for distribution to a cache store (col. 1, lines 58-59, determining whether a given cache node should receive a cache update); and

Sending, to the cache store, a request message that describes the candidate content(col. 1, lines 63-64; whether a cache is to receive an update message associated with object).

As per claim 2, Challenger teaches receiving a response message from the cache store (col. 3, lines 53-65 the proxy 12 sends a request to the web server 14 which indicates whether cache 12 a need and update or not) indicating whether the cache store accepts or rejects the candidate content (col. 3, lines 53-65, if the cache 12a is up to date it rejects and if not accepts the update); and

Distributing the candidate content to the cache store only if the response message indicates that the cache store accepts the candidate content(cols. 3-4, lines 65-2, proxy sends a current version of the requested object).

As per claim 3, Challenger teaches distributing the candidate content to the cache store only if a response message received from the cache store indicating the cache store accepts the candidate content (col. 3, lines 53-65; when the cache sends the response that it needs to be update).

As per claim 4, Challenger teaches the selecting step further comprises analyzing historical metrics to identify the candidate content (col. 2, lines 6-14).

As per claim 5, Challenger teaches the historic metrics represent content requested over a period of time (col. 2, lines 6-14).

As per claim 6, Challenger teaches the request message describes the candidate content's size (col. 5, lines 30-34).

As per claim 7, Challenger teaches the request message describes the candidate content's type (col. 5, lines 30-34 such as size and importance of the objects).

As per claim 8, Challenger teaches the request message describes a security classification of the candidate content (abstract, it could be of any factors).

As per claim 9, Challenger teaches the request message describes a hit rate of the candidate content (abstract, it could be of any factors).

As per claim 10, Challenger teaches the selecting and sending steps are performed at a web server(fig. 1, element 14).

As per claim 11, Challenger teaches the cache store is selected using historical metrics (col. 2, lines 6-14).

As per claim 12, the candidate is selected for distribution to a plurality of cache stores (fig. 1, elements 12a), and wherein the sending step sends the request message to each of the plurality of cache stores (col. 3, lines 53-55, plurality of 12a caches).

As per claim 16 Challenger that the request message includes an identifier and wherein this identifier is also included in the response message (col. 3, lines 43-46, Proxy server 12 stores and maintains a copy of objects, in order to do so, the object should have an identification).

As per claim 17, Challenger teach the distributing step uses the identifier to locate the candidate content to be distributed (col. 3, lines 43-46, Proxy server 12 stores and maintains a copy of objects, in order to do so, the object should have an identification).

As per claim 18, Challenger teaches the candidate content comprises a plurality of files to be distributed as a unit (it is inherent to have a plurality of file in one single unit).

As per claims 19, and 20, Challenger teaches a system for negotiated distribution of cache content, comprising:

Means for selecting candidate content for distribution to a cache store (col. 1, lines 58-59, determining whether a given cache node should receive a cache update);

Means for sending, to the cache store, a request message that describes the candidate content(col. 1, lines 63-64; whether a cache is to receive an update message associated with object); and

Means for distributing the candidate content to the cache store only if a response message received from the cache store indicates that the cache store accepts the candidate content (cols. 3-4, lines 65-2; proxy sends a current version of the requested object).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Challenger, and further in view of Chaganti (US Publication 2005/006550).

As per claim 8, Challenger teaches the claimed invention, but fails to teach the

request message describes a security classification of the candidate content.

Chaganity teaches each information object is assigned a security information

level (abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the teachings of these references since

Chaganti discloses that each information object is assigned a security information level

in order to implement security of the information (abstract).

5.   Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Challenger, and further in view of Yeager (US Publication 2005/0086300).

As per claim 14 and 15 Challenger teaches the claimed invention but fails to

teach the request message is encoded in a structured markup language such as XML.

Yeager teaches messages maybe structured with a markup language such as

XML (paragraph 225).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the teachings of these refrences since

Yeager discloses that messages maybe structured with a markup language such as

XML in order to implement peer management functions including access control, priority

setting, traffic metering (paragraph 225).

Allowable Subject Matter

6.   Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehdi Namazi whose telephone number is 571-272-4209. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mehdi Namazi/·
October 3, 2005